

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES FRANCIS RECOTTA,	)	No. C 02-2031 JSW (PR)
	)	
Petitioner,	)	
	)	<b>ORDER DENYING CERTIFICATE</b>
vs.	)	<b>OF APPEALABILITY</b>
	)	
A.A. LAMARQUE, Warden,	)	
	)	(Docket no. 65)
Respondent.	)	
_____	)	


On August 2, 2005, this Court entered judgment denying the petition for a writ of habeas corpus on the merits (docket no. 63). Petitioner has filed a notice of appeal (docket no. 66) and an application for a certificate of appealability (docket no. 65).

Petitioner has not “made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). That is, he has not demonstrated “that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, the request for a certificate of appealability is DENIED (docket no. 65).

The Clerk of Court shall forward this order, along with the case file, to the United States Court of Appeals for the Ninth Circuit. Petitioner may also seek a certificate of appealability from that Court. *See United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997).

IT IS SO ORDERED.

DATED: October 5, 2005

  
JEFFREY S. WHITE  
United States District Judge